REMARKS

The above supplemental amendment reflects an agreement reached between the Examiner and Applicants during a series of personal interviews, as summarized below. In this supplemental amendment, claims 93, 95, 98 and 100 have been amended and claim 244 has been introduced.

The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number, in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

Please charge any shortage in fees due in connection with the filing of this paper to Deposit Account No. 50-4494, and please credit any excess fees to the same deposit accoun

Summary of Interviews

MAY 4, 2009

The prosecution of this application, along with all but two of Applicants' copending application, was suspended for several years pending the outcome of the appeal of Application Serial Nos. 08/470,571 and 08/487,526 and the reexamination proceedings of seven related patents. Applicants inquired into the status of these applications in January, 2009, as the current six-month suspension period expired. Applicants requested that the suspension of these applications not be renewed. The Office, through Supervisory Examiner David L. Ometz indicated that the suspensions would not be renewed and that prosecution would recommence. Applicants wish to thank Examiner David L. Ometz for the courtesy of the interview held on May 4, 2009 in which Applicants' representatives and the Examiners discussed an overall plan for examination of the remaining 110 applications which relate to this application and have a common chain of priority. Applicants were informed that the Patent and Trademark Office (PTO) was developing a plan to resume examination and that Applicants would be informed when the plan was in place.

Applicants were informed in July, 2009, that a team of examiners had been assembled to examine Applicants' copending applications. Applicants appreciate the courtesies extended to Applicants' Representatives in a meeting held July 22, 2009, with the examination team. In attendance at the meeting were Thomas J. Scott, Jr. and Carl L. Benson, of Goodwin Procter and the PTO personnel identified on the attached list. Applicants' representatives made a presentation to the Examiners in attendance in accordance with the attached agenda and provided the materials attached hereto to the Examiners for their consideration and use in the further examination of this application and the other application related to this application as identified in Tab 2 of the materials provided to the Examiners in the meeting. Applicants' representatives agreed to respond to any telephone inquiries or to be present for personal interview at the PTO in any circumstance where the Examiner believed such an interview would advance the prosecution of this application.

MAY 2010

A number of personal interviews were held with Examiner Brian Q. Le and applicants' representatives during May 2010. During the interviews, the Examiner provided the Applicants with proposed claim language, and the Applicant's representatives responded with proposed claim language of their own. The Examiner and Applicants came to an agreement regarding allowable subject matter and proposed claim language which is reflected in the new claim 244 presented above. Applicants also agreed to provide the Examiner with a table detailing specifications support for the claimed language, and a copy of the table is included herein as Appendix A.

Conclusion

In light of the above amendments and remarks, each of the claims in this application is patentable in light of the prior art. Accordingly, the Examiner is respectfully requested to issue an allowance of this application.

Dated: June 14, 2010

Respectfully submitted,

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Appendix A

Specification Support from U.S. Patent 4,694,490	
244. A method for delivery of computer instructions	Instruction signals to processors are embedded in transmitted programming. Col. 4, ll. 5-6; col. 19, ll. 42-44.
for use with an interactive mass medium program output apparatus at a receiver station	Fig. 6
having a receiver for receiving mass medium programming,	Television and radio receiver. Col. 6, ll. 23-41.
an output device operatively connected to said receiver for delivering said mass medium programming and related information	TV set 202
an input device to receive input from a subscriber,	Local input 225
a transmitter for communicating subscriber information to a remote site	Telephone connection 22
and a processor operatively connected to one of said receiver and said output device for controlling said one of said receiver and said output device	Signal processor 200, microcomputer 205
said method comprising: step for inputting to said processor a subscriber datum designating one of mass medium programming to receive;	Input desired programming to microcomputer 205. Col. 18, ll. 46-48, col. 19, ll. 1-4.
step for controlling said receiver station to receive said specific mass medium programming;	Controlling receiver station to tune to desired programming. Col. 19, ll. 20-25.
step for delivering said specific mass medium programming to said output device;	Deliver programming on TV set. Col. 19, ll. 27-29.
step for generating a receiver specific datum by processing information stored at said receiver station;	Generate data regarding the subscriber, such as stock performance. Col. 19, ll. 48-53.

step for outputting said mass medium programming,	Outputting programming on TV set. Col. 19, ll. 27-29
said mass medium programming including at least one computer instruction which is effective to control in a specific type of programming presentation;	Embedded instructions control programming presentation. Col. 19, ll. 60-67.
wherein said mass medium programming is to be outputted for a duration of time, only some of said duration of time including a specific time interval;	Programming is output for a duration of time including specific time intervals in which overlays are displayed. Col. 19, l. 64 – col. 20, l. 2.
step for prompting said subscriber during said mass medium programming for a reply if said subscriber wants said additional programming, one of a code and a datum designating said additional programming;	User is prompted to receive additional programming such as recipe. Col. 20, ll. 20-24. A signal designates the recipe. Col. 20, ll. 24-31.
step for receiving said reply from said subscriber at said input device in response to said step of prompting said subscriber;	User inputs response if recipe is desired. Col. 20, ll. 24-25.
step for controlling said receiver station to output to a subscriber one of a simultaneous and a sequential presentation of said receiver specific datum, with said specific mass medium programming, based on said step for generating;	A presentation of the generated overlays with the transmitted TV programming is output under control of the processor. Col. 19, ll. 53-67.
step for processing, with said processor, said reply from said step for receiving and selecting at least one of a code and a datum designating said additional programming;	The subscriber reply requesting the recipe is processed and the code designated the recipe is selected. Col. 20, ll. 27-42.
step for delivering said at least one computer instruction to said processor in advance of the end of said specific time interval;	The embedded instruction signals are delivered to the processor. Col. 19, ll. 45-48.
step for outputting said receiver specific datum for presentation in said specific type of programming presentation with said specific mass medium programming on the basis of said delivered at least one computer instruction; and	The generated overlays and TV programming are output on the basis of the received instructions. Col. 19, ll. 60-67.
step for communicating downloadable code to said processor and performing at an appropriate time on the basis of said downloadable code in response to said computer instructions the following steps:	Embedded downloadable code is used to control the receiver station. Col. 17, ll. 45-64.

(1) step for actuating one of a video, an audio, and a print output device to output processed information in response to said at least one computer instruction;	The embedded instruction signals control audio, video and print output. Col. 18, ll. 19-22, col. 19, ll. 27-28 and col. 20, ll. 47-51.
(2) step for decrypting at least one of said at least one computer instruction;	The embedded instruction signals may be decrypted. Col. 20, ll. 37-42.
(3) step for controlling a selective transfer device to communicate at least some of said at least one computer instruction to one of a storage device and said processor;	The embedded instruction signals are stored or sent to the processor. Col. 19, ll. 12-27.
(4) step for controlling a video recorder to record or play video or audio designated by a processed datum; and	A video recorder is controlled based on the subscriber datum. Col. 19, ll. 23-27.
(5) step for controlling a selective transfer device to communicate to a video recorder or a television monitor designated by said subscriber datum.	A switch is controlled to communicate to the video recorder on the TV set. Col. 19, ll. 23-29.

93. The method of claim 244, wherein said receiver specific datum is displayed at a video monitor.	Stock performance displayed at TV set 202. Col. 19, l. 60 – col. 20. l. 2.

94. The method of claim 93, wherein said specific mass medium programming is displayed at said video monitor.	Display programming on TV set. Col. 19, ll. 27-29.

95. The method of claim 94, wherein a first of said receiver specific datum and said specific mass medium programming is overlaid on a second of said receiver specific datum and said specific mass medium programming.	Additional user specific overlays are output. Col. 19, l. 60 – col. 20, l. 7.

96. The method of claim 93, wherein said specific mass medium programming is outputted at one of a speaker and a printer.	TV set 202 includes speaker, printer 221.

97. The method of claim 93, wherein a viewer can see a graphic image which includes said receiver specific datum and at least a first portion of said specific mass medium programming, said method further comprising the step of printing at least a second portion of said mass medium programming.	Printer 221, Col. 20, ll. 46-50.

98. The method of claim 244, further	Storing portfolio of stocks, col. 19, ll. 40-41.

comprising a step for programming said receiver station to one of (i) store a portfolio of stocks, (ii) process data communicated from a remote transmitter station, and (iii) respond to an instruction which causes said receiver station to generate said receiver specific datum.	Process stock price data, col. 19, ll. 35-39. Generate overlay in response to an instruction, col. 19, ll. 48-51.

99. The method of claim 98, further comprising the step of establishing telephone communications with said remote transmitter station.	Billing data transfer. Col. 20, ll. 55-59.

100. The method of claim 98, wherein a non-transitory memory is operatively connected to said processor and a data communicated from said remote transmitter station includes at least one of economic, financial, and monetary mass medium programming, said method further comprising the step of processing said at least one of economic, financial, and monetary mass medium programming to store at least one datum of said at least one of economic, financial, and monetary mass medium programming at said non-transitory memory.	Storing data such as stock portfolio data. Col. 19, ll. 35-41.

101. The method of claim 100, wherein said at least one datum of said at least one of economic, financial, and monetary mass medium programming includes at least one price.	Storing stock price data. Col. 19, ll. 35-41.